IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22699 of 2004

Between:

P. Gangadhar Rao, S/o. Late P. Hanumantha Rao,
R/o 19-2-105, Tadbun, Murlam Tank Road,

Badhurpura, Hyderabad.

..... PETITIONER

AND

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1 District Registrar/Divisional Co-Operative Officer,

Manoranjan Complex, Nampally, Hyderabad.
2 Co-Operative Sub-Registrar/Sales Officer, Office in

Premises Bharat Mercantile Co-Operative,
Bank MGR Estates, Dwarkapuri Colony, Punjagutta,

Hyderabad.
3 Bharat Mercantile Co-Operative Urban, Bank Ltd, Rep

by Managing Director, Bank MGR Estates, Dwarkapuri

Colony, Punjagutta, Hyderabad.
4 Asha Pawar, W/o. Ramesh Kumar Pawar,
R/o 19-4-274/A/5, Miralam X Road, Hyderabad.
5 Ramesh Kumar Pawar, S/o. Late Hanumanth Rao,
R/o 19-4-274/A/5, Miralam X Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders one in the nature of writ of mandamus by declaring the order

passed by the respondent No. 2 dismissing the claim petition in claim petition No. 1/2004 in E.P.172/04-J1(A) dt.4-12-2004 in respect of property bearing No. 19-2-105 admeasuring 178 square yards situated Tadban, Hyderabad till the final decision of CCCA 135/02 before the Hon'ble High Court of A.P. and declare the same as Null and void, totally illegal, arbitrary against the principle of natural justice.

Counsel for the Petitioner: MR.SURESH SHIV SAGAR

Counsel for Respondents 1 & 2: GP FOR COOPERATION

The Court at the stage of admission made the following :

ORAL ORDER:

The petitioner challenges the order dated 4.12.2004 passed by the Assistant Registrar/Sale Officer in E.P.No.172/04-J1(A). The petitioner had submitted a claim in relation to the property, which is sought to be sold in the E.P. The Assistant Registrar has discussed the matter at length and rejected the claim of the petitioner.

Heard learned counsel for the petitioner and learned Government Pleader for Cooperation.

Against the E.P. proceedings, the petitioner has a remedy by way of appeal before the Cooperative Appellate Tribunal.

Hence the Writ Petition is dismissed leaving it open to the petitioner to avail the remedy of appeal. It is stated that the auction is scheduled to take place tomorrow. To protect the interests of the petitioner, it is directed that the auction may go on but the sale shall not be confirmed for a period of one week. No costs.

L. Narasimha Reddy, J.

9th December, 2004

Note: C.C. tomorrow.

B/o

Js.

To

1 District Registrar/Divisional Co-Operative Officer,

Manoranjan Complex, Nampally, Hyderabad.

2 Co-Operative Sub-Registrar/Sales Officer, Office in

Premises Bharat Mercantile Co-Operative,
Bank, MGR Estates, Dwarkapuri Colony, Punjagutta,

Hyderabad.

3 The Managing Director, Bharat Mercantile

Co-Operative Urban Bank Ltd, MGR Estates,

Dwarkapuri, Colony, Punjagutta, Hyderabad.

4 2 CD copies.